United Nations A/66/854–S/2012/456

General Assembly
Security Council

Distr.: General
9 July 2012
English
Original: Russian

General Assembly
Sixty-sixth session
Agenda items 67, 69 and 123

Security Council
Sixty-seventh year

Elimination of racism, racial discrimination, xenophobia and related intolerance

Promotion and protection of human rights

Strengthening of the United Nations system

Letter dated 19 June 2012 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to submit to you the Model Act on the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices, which was adopted by the Inter-Parliamentary Assembly of Members of the Commonwealth of Independent States during its thirty-seventh plenary session on 17 May 2012.

I should be grateful if you would circulate the Model Act as an official document of the General Assembly under agenda items 67, 69 and 123 of its sixty-sixth session, and also as a document of the Security Council.

(*Signed*) Alexander **Pankin**
Chargé d'affaires a.i.

12-41199 (E) 180712 230712

Please recycle

Annex to the letter dated 19 June 2012 from the Chargé d'affaires a.i. of the Russian Federation to the United Nations addressed to the Secretary-General

Model Act on the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices

In accordance with the State constitution and universally recognized standards and principles of international law, including the provisions of the Charter of the United Nations, the International Covenant on Civil and Political Rights of 16 December 1966, the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968, the International Convention on the Elimination of all Forms of Racial Discrimination of 21 December 1965, and other relevant international agreements, the present Act sets out organizational and legal provisions to ensure the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices. These provisions shall be observed and developed in other legislative and normative acts adopted in accordance with the present Act, which, among other things, shall establish the procedure for conducting Government anti-Nazi audits.

Section 1. General provisions

Article 1. Basic concepts

For the purposes of the present Act, the following basic concepts shall be adopted:

- "Nazism" means the totalitarian ideology (doctrine) and the practical application of that ideology in Hitler's Germany and its allies and satellites over the period 1933-1945, associated with totalitarian and terrorist methods of rule, the official ranking of all nations on a scale of intrinsic value, and propaganda promoting the superiority of certain nations over others, accompanied by crimes against peace, war crimes, crimes against humanity and genocide, recognized as such by the International Military Tribunal for the trial and punishment of the major war criminals of the European Axis (hereinafter the International Military Tribunal);
- "Nazi criminals" means the organizers, instigators, directors and perpetrators of war crimes and crimes against peace and humanity, falling under the jurisdiction of the International Military Tribunal;
- "Rehabilitation of Nazism" means actions which find expression in:
  - The rehabilitation of, conferment of Government or civil awards on, and the granting of other State or civic commendations to Nazi criminals and their accomplices, including the naming of settlements, streets, squares, geographical sites, institutions, organizations and military hardware after them and also the establishment of holidays in their honour;

- The public justification of the ideology and practice of Nazism, the profession that it is correct and deserving of support and emulation, and also the public dissemination of the ideology of Nazism;
- The public approbation or denial of crimes against peace, war crimes and crimes against humanity, as established by the judgement of the International Military Tribunal, and also by the judgements of national, military or occupation tribunals established pursuant to the judgement of the International Military Tribunal;

- "Glorification of Nazi criminals and their accomplices" means the deliberate performance of any acts intended to celebrate Nazi criminals and their accomplices, and also the crimes committed by them;
- "Nazi materials" means the promulgation of documents or information in other forms which call for the glorification of Nazism, or which justify or condone the necessity of such actions, including the works of the leaders of the National Socialist German Workers' Party, the National Fascist Party of Italy, and also publications justifying or condoning national and/or racial superiority or the commission of war crimes and other crimes aimed at the partial or total destruction of any ethnic, social, racial, national or religious group;
- "Nazi symbols" means banners, badges, attributes of uniforms, greetings and phrases, and the reproduction in any form of symbols used by the National Socialist German Workers' Party and the National Fascist Party of Italy, such as swastikas, salutes and other distinctive symbols of government, military and other structures judged as criminal by the International Military Tribunal for the trial and punishment of the major war criminals of the European Axis.

Article 2. Basic principles

The operation of the present Act is founded on the following principles:

- Strict compliance with universally recognized standards and principles of international law;
- Recognition, observance and protection of human and civil rights and freedoms, and also of the lawful interests of legal entities;
- Guarantee of the right to freedom of opinion and its expression;
- Respect for the freedom of creative activity and scientific research;
- Rule of law;
- Transparency;
- Government cooperation with community and religious associations, and other organizations and citizens for the prevention of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices;
- Universal scope of international liability for the commission of international crimes;
- Inescapable punishment for the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices.

Article 3. Scope of the present Act

The effect of the present Act shall not extend to academic, literary, artistic and other creative endeavours which do not have as their aim the rehabilitation of Nazism or the glorification of Nazi criminals and their accomplices.

It shall be permitted to reproduce Nazi symbols within the context of artistic and academic works which condemn Nazism or present historical events, and also those which depict religious iconography and traditions involving the heraldic symbols of various States when such symbols cannot be viewed as promoting Nazism.

The use of Nazi symbols within the context of artistic or academic works, and also during mass actions and other public events, must not be aimed at cultivating a positive view of Nazi ideology.

Article 4. Main areas of focus in ensuring the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices

The inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices shall be ensured in the following manner:

- Monitoring and taking preventive measures aimed at countering the rehabilitation of Nazism, including through the detection and subsequent elimination of the causes and conditions promoting the rehabilitation of Nazism;
- Detection, prevention and suppression of the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices in the activities of community and religious associations, the media and other legal and physical entities. It shall be forbidden:
  - To disseminate Nazi materials through the media, and also to engage in any other activities designed to rehabilitate Nazism and to glorify Nazi criminals and their accomplices;
  - To use representations of Nazi criminals and their accomplices in advertising;
  - To establish or engage in the activities of community and religious associations and of other organizations whose aims or activities contain attributes of the rehabilitation of Nazism or the glorification of Nazi criminals and their accomplices.

It is impermissible to use Nazi symbols or to disseminate Nazi materials during mass actions and other public events.

Article 5. Prohibiting the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices during the commemoration of those killed during the Second World War

Nothing in the present Act shall be construed as an impediment to the proper arrangement, maintenance and upkeep of military cemeteries for those who took part in and perished in the Second World War, provided that the headstones, monuments, columns, obelisks and other memorial structures and facilities

commemorating the fallen do not contain attributes of the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices.

Establishing museums, erecting memorials on battlefields, organizing exhibitions and ensuring the maintenance and upkeep of specific areas associated with the historical events of the Great Patriotic War (Second World War) shall not be aimed at cultivating a positive attitude towards the ideology of Nazism and at glorifying Nazi criminals and their accomplices.

Article 6. Barring the use of public communications networks to rehabilitate Nazism and to glorify Nazi criminals and their accomplices

It shall be prohibited to use public communications networks, including the internet, to disseminate Nazi materials or to engage in any other activities to rehabilitate Nazism and to glorify Nazi criminals and their accomplices.

In the event that a public communications network is used for the performance of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices, authorized Government bodies and their officials shall take immediate steps to ensure the prompt elimination of such violations, taking due account of the specific legal ramifications relating to communications.

Article 7. Enforcement powers of public authorities and local governments in ensuring the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices

Public authorities and local governments and their officials shall be obliged, within their respective jurisdictions, to counter any form of rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices.

Public authorities and local governments and their officials shall, within their respective jurisdictions, participate in the application of government policy to ensure the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices, and shall exert all necessary pressure on citizens, the media and community associations, along with other entities and organizations.

Article 8. International cooperation in ensuring the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices

Public authorities, in accordance with international agreements, shall cooperate with the authorities of other countries, and also with international and foreign organizations, in ensuring the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices.

Local governments, in the conduct of cross-border cooperation and in the exercise of other vested powers, shall cooperate with the authorities of other countries, and also with international and foreign organizations, in ensuring the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices.

Section 2. Expert audits carried out to ensure the inadmissibility of actions to rehabilitate Nazism and glorify Nazi criminals and their accomplices (anti-Nazi audits)

Article 9. Government audits carried out to ensure the inadmissibility of actions to rehabilitate Nazism and glorify Nazi criminals and their accomplices (Government anti-Nazi audits)

Public authorities and government officials shall, in accordance with their competency, carry out Government anti-Nazi audits of the following:

- Constitutive documents of community, religious and other non-profit organizations;
- Content of core curricula and State educational standards;
- Advertisements;
- Print and electronic media content;
- Scholarly, scientific, literary and other creative or artistic output;
- Propaganda materials;
- Other materials and documents that contain direct or tangential indications of the rehabilitation of Nazism or the glorification of Nazi criminals and their accomplices.

Procedures for carrying out Government anti-Nazi audits shall be established by an authorized executive body.

Representatives of community and other non-profit organizations, including scientific, scholarly and educational institutions, may be engaged in Government anti-Nazi audits in accordance with procedures established by an authorized executive body.

Article 10. Community anti-Nazi audits

Community anti-Nazi audits may be conducted independently of Government audits that share their focus. A community anti-Nazi audit shall be conducted for the following reasons:

- To give effect to the right of citizens to take part in running the affairs of State and society;
- To determine whether regulatory legal acts and other decisions ratified by public authorities and/or local governments (or draft regulatory legal acts and other decisions) meet the requirements of the present Act;
- To render legislation on the inadmissibility of actions to rehabilitate Nazism and glorify Nazis criminals and their accomplices more effective.

Community anti-Nazi audits shall focus on draft regulatory legal acts and other decisions ratified by public authorities and/or local governments, as well as on regulatory legal acts and other decisions of public authorities and/or local governments on the following matters:

- Commemoration of, conferral of special martial or honorary ranks (titles) or State (civic) awards on, promulgation of commemorative dates in respect of

and granting of other State or civic commendations to participants, veterans and victims of the Great Patriotic War (the Second World War);

- Content of core curricula on the history of the Great Patriotic War (Second World War).

Community anti-Nazi audits shall also focus on scholarly, scientific, literary or other creative or artistic outputs in order to identify indications in such work of the rehabilitation of Nazism or the glorification of Nazi criminals and their accomplices.

Article 11. Community anti-Nazi auditors

Community anti-Nazi audits shall be conducted by citizens and community organizations vested with the status of community (citizen) experts under procedures established by law as well as by community boards (councils), in order to analyse and assess draft regulatory legal acts and other decisions by public authorities, with a view to ensuring that they serve the interests of the individual, the public and the State, and also the purposes of the present Act.

Community anti-Nazi auditors shall be entitled:

- To obtain documentation subject to anti-Nazi audit from the contracting party or have the opportunity to study, either directly or through their agents, the materials or entities under consideration;

- To participate directly or through their agents in proceedings, deliberations and other events hosted by public authorities and/or local governments to discuss the materials or entities under consideration, unless a decision is taken to hold a closed event, owing to the need to protect a State secret.

Article 12. Key principles for community anti-Nazi audits

Community anti-Nazi audits shall be conducted according to the following key principles:

- Key human and civil rights and liberties shall be acknowledged, guaranteed and protected;

- The rule of law shall be respected;

- Community anti-Nazi audits shall be conducted publicly and their findings disclosed in a transparent manner;

- Community anti-Nazi audits shall be conducted on a voluntary basis;

- Public authorities and local governments and their officials shall not intervene in community anti-Nazi audits;

- Experts shall be independent;

- Expert findings shall be objective and reliable.

Article 13. Procedures for conducting community anti-Nazi audits

A public authority or local government shall be required to commission a community anti-Nazi audit of a draft regulatory legal act or other decision that is

eligible under article 10 of the present Act and to post the text of the draft in full on its official website no more than five days after it is taken under consideration.

At the same time, a community anti-Nazi audit must take no fewer than 15 and no more than 45 days.

Community anti-Nazi auditors are entitled to carry out, at their own expense and on their own initiative, a community audit of current regulatory legal acts or other decisions of public authorities and/or local governments, as well as scholarly, scientific, literary, artistic or other creative outputs eligible under article 10 of the present Act, and to communicate the findings of such an audit to an authorized body.

Article 14. Community anti-Nazi audit findings

The findings of a community anti-Nazi audit shall be communicated to the public authority or local government that commissioned the audit, or to the authorized body referred to in article 17 of the present Act.

Expert findings eligible under the present Act must be posted on the official website of the public authority or local government body that commissioned the community anti-Nazi audit, or on the official website of the authorized body to which the community anti-Nazi audit findings were communicated.

Community anti-Nazi audit findings concerning draft regulatory legal acts and other decisions ratified by public authorities and/or local governments, as well as those concerning regulatory legal acts and other decisions of public authorities and/or local governments, should contain a reference to the provisions of those draft laws (decisions) that run counter to the interests of individuals, the public and the State, as well as those that contravene the present Act. Findings should also contain recommendations for remedying those inconsistencies.

The findings of a community anti-Nazi audit of scholarly, scientific literary or other creative or artistic output should contain a reference to indications of the rehabilitation of Nazism, or the glorification of Nazi criminals and their accomplices or to the absence of such indications. Where there are indications of the rehabilitation of Nazism or the glorification of Nazi criminals and their accomplices, the findings may include an assessment of the spiritual, moral and/or other impact of exposure to the scholarly, scientific, literary, creative or other artistic output, as well as proposals for remedying the adverse consequences for the individual, the public and the State.

Section 3. Preventing and monitoring the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices, and community oversight in this domain

Article 15. Main areas of focus in preventing the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices

Public authorities and local governments shall participate, within their respective jurisdictions, in measures aimed at preventing the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices.

Community associations and other non-profit organizations shall participate in measures aimed at preventing the rehabilitation of Nazism and the glorification of

Nazi criminals and their accomplices, in accordance with existing legislation and the by-laws (constitutive documents) of such associations (organizations).

The rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices shall be prevented through the application of the following measures:

- Promoting public intolerance of Nazism and the glorification of Nazi perpetrators and their accomplices;
- Conducting community anti-Nazi audits;
- Developing institutions of social and legislative oversight to ensure compliance with the law prohibiting the rehabilitation of Nazism and the glorification of Nazi perpetrators and their accomplices;
- Facilitating memorial and educational activities, and also the preservation of cultural artefacts, contributing to the celebration of the victory of the peoples of the USSR in the Great Patriotic War.

With the aim of countering the glorification of Nazi perpetrators and their accomplices, public authorities and local governments shall prioritize preventive measures within their jurisdictions, including the preparation of educational and awareness-raising materials aimed at preventing the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices.

Article 16. Monitoring compliance with the law prohibiting the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices

Public authorities and local governments and their officials shall ensure, within their jurisdictions, the monitoring of compliance with the law prohibiting the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices, including through the use of information and telecommunication networks.

The proprietors and publishers of media outlets shall be required to monitor journalists and the authors of reports and other and materials for compliance with the law prohibiting the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices.

Article 17. Community oversight of compliance with legislation aimed at preventing the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices

Citizens and organizations shall have the right to exercise community oversight of compliance with the requirements of the present Act. Public authorities and local governments shall be obliged to facilitate such participation in the manner and form prescribed by law.

Citizens shall have the right to unite in voluntary associations whose principal activities involve community oversight of measures designed to counter the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices.

Community associations and other non-profit organizations shall have the right in accordance with their constitutive documents:

- To conduct independent monitoring of compliance with the law prohibiting the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices;
- To publish assessments of the activities of central authorities and local governments and their officials in respect of the requirements of the present Act;
- To prepare and submit recommendations to public authorities and local governments regarding improvements to the law prohibiting the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices;
- To submit materials based on the results of monitoring to the authorities, civic chambers (councils) and international and foreign organizations.

Article 18. Authorized body responsible for countering the rehabilitation of Nazism

With the aim of promoting cooperation between public authorities, local governments, citizens, community associations and other non-profit organizations responsible for monitoring compliance with the requirements of the present Act, a designated authority responsible for countering the rehabilitation of Nazism shall be established within the highest office of the executive branch.

The composition of the authority responsible for countering the rehabilitation of Nazism shall include representatives of regulatory and/or supervisory bodies, law enforcement agencies and public authorities, along with representatives of voluntary associations and other non-profit organizations. Representatives of community associations and other non-profit organizations shall constitute a simple majority of the membership of the designated authority.

The regulations on the designated authority responsible for countering the rehabilitation of Nazism and its rules of procedure shall be approved by the highest office of the executive branch.

The designated authority responsible for countering the rehabilitation of Nazism shall have the following functions:

- Preparing recommendations and proposals for the application and further development of the principal strategies for ensuring the inadmissibility of activities to rehabilitate Nazism and to glorify Nazi criminals and their accomplices, and also for improving the law in this area;
- Examining the findings of community oversight of compliance with the requirements of the present Act.

The members of the designated authority responsible for countering the rehabilitation of Nazism, as representatives of community associations and other non-profit organizations, shall conduct their oversight activities without remuneration.

The provisions of this article shall not constitute an impediment to citizens, their associations and other non-profit organizations in the exercise of their right to apply to Government bodies and local authorities, in accordance with the law.

Article 19. Cooperation between the designated authority responsible for countering the rehabilitation of Nazism and other authorities

Public authorities and local governments shall be obliged to cooperate with the designated authority responsible for countering the rehabilitation of Nazism.

The designated authority responsible for countering the rehabilitation of Nazism shall have the right to apply to regulatory, supervisory, law enforcement and other public authorities and to local governments for action to eradicate violations uncovered through community oversight, for the conduct of investigations and inspections, and for the adoption of measures to ensure the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices.

Regulatory, supervisory, law enforcement and other public authorities and local governments shall be obliged to conduct investigations within their jurisdictions in response to requests, applications and materials submitted to them and, in the case of uncovered violations, to take punitive measures in accordance with the present Act.

Article 20. Annual report on measures to ensure the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices

The designated authority responsible for countering the rehabilitation of Nazism shall prepare and publish in the media and on the internet an annual report on measures to ensure the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices.

Civic chambers (councils) shall have the right, within their jurisdictions, to prepare and publish in the media alternative reports on measures to ensure the inadmissibility of actions to rehabilitate Nazism and to glorify Nazi criminals and their accomplices.

Section 4. Liability for breaches of the present Act

Article 21. Liability of the media for breaches of the present Act

In the event of evidence in the activities of a mass media outlet indicating the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices, its operation may be halted by a decision of a court on the basis of a declaration by the designated Government authority which registered the media outlet in question, or by the relevant procurator.

With the aim of preventing the continuation of activities to rehabilitate Nazism and to glorify Nazi criminals and their accomplices, the court may suspend production of the relevant issue of the periodical, or the relevant audio or video recording, or the broadcast of the relevant television, radio or video programme, in accordance with the prescribed procedure for such an injunction.

Article 22. Suspending the activities of legal entities

In the event that facts are uncovered which point to evidence in the activities of a legal entity or any of its subdivisions of indications of the rehabilitation of Nazism or the glorification of Nazi criminals and their accomplices, the activities of the said legal entity may be suspended until an examination by a court of the

declaration by the designated Government authority regarding its dissolution (prohibition of its activities).

Any assets belonging to a legal entity dissolved on the grounds stipulated in the present Act which remain after creditor claims have been satisfied shall be forfeited to the State.

Article 23. Liability of individuals for breaches of the present Act

Persons guilty of committing acts associated with the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices shall be held responsible in accordance with the relevant administrative and criminal law.

Organizers of mass actions and other public events shall be responsible for complying with requirements to prevent the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices, and also for promptly suppressing actions to that end.